

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Wireline Competition Bureau Seeks Comment	)	
on Areas Shown as Unserved on the National	)	WC Docket No. 10-90
Broadband Map for Connect America Phase I	)	
Incremental Support	)	
	)	

To:    The Commission  
          Chief, Wireline Competition Bureau

**REPLY COMMENTS OF  
MARLON K. SCHAFER DBA ODESSA OFFICE EQUIPMENT**

Marlon K. Schafer dba Odessa Office Equipment (“OOE”), pursuant to Sections 1.415 and 1.419 of the Commission’s Rules, hereby submits Reply Comments in connection with the Public Notices issued in this proceeding. The Wireline Competition Bureau (“Bureau”) seeks comment on a list of “potentially unserved” Census blocks in price cap areas for purposes of Connect America Fund (“CAF”) Phase I incremental support.<sup>1</sup> OOE has determined that the list of Census blocks that CenturyLink, in Comments, identified as unserved or partially served<sup>2</sup> include Census blocks where OOE provides fixed wireless broadband service. Accordingly, OOE urges the Bureau to determine that the Census blocks identified in Appendix A to these Reply Comments are

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<sup>1</sup> See *Wireline Competition Bureau Seeks Comment on Areas Shown as Unserved on the National Broadband Map for Connect America Phase I Incremental Support*, Public Notice, WC Docket No. 10-90, DA 12-1961 (Wireline Comp. Bur., Dec. 5, 2012); see also *Wireline Competition Bureau Updates the List of Potentially Unserved Census Blocks in Price Cap Areas and Extends the Deadline for Comment on the List*, Public Notice, WC Docket No. 10-90, DA 12-2001 (Wireline Comp. Bureau, Dec. 10, 2012) (“*Public Notices*”).

<sup>2</sup> See Comments of CenturyLink on Areas Shown as Unserved on the National Broadband Map for Connect America Phase I Incremental Support, WC Docket No. 10-90 (filed January 9, 2013) (“*CenturyLink Comments*”).

“served” with broadband for purposes of CAF Phase I in areas within OOE’s predicted wireless coverage, as reported to Washington state mapping authorities.

### **Discussion<sup>3</sup>**

On January 9, 2013, CenturyLink filed Comments in connection with the *Public Notices*. CenturyLink stated that it has “identified a total of 194,952 Census blocks, containing more than 3.3 million housing units, that are unserved or only partially served but that do not appear on the Commission’s list of unserved Census blocks eligible for CAF Phase I Incremental Support.”<sup>4</sup> Appendix B to the CenturyLink Comments provides this list of Census blocks.

OOE has reviewed Appendix B to the CenturyLink Comments and has identified 163 Census blocks that are within OOE’s wireless coverage area as of Fall 2012, when OOE submitted coverage data to Washington state broadband mapping authorities. This wireless coverage area includes portions of the following counties in Washington state: Lincoln, Grant, Adams, Douglas, Ferry and Stevens.<sup>5</sup> As OOE argued in its Comments, the current state mapping data are more current than the National Broadband Map data and should be considered for purposes of CAF Phase I. Appendix A to these Reply Comments contains this list of 163 Census blocks.

For each Census block identified in Appendix A, OOE has determined that OOE’s fixed wireless broadband coverage comprises all or a portion of the Census block. OOE’s services in these areas satisfy the Commission’s performance metrics for speed,

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<sup>3</sup> In support of the factual assertions underlying these Reply Comments, OOE provides the attached Declaration of Marlon K. Schafer.

<sup>4</sup> CenturyLink Comments at 5.

<sup>5</sup> See <http://www.broadbandmap.gov/about-provider/odessa-office-equipment/nationwide/> (visited January 24, 2013).

latency and capacity.<sup>6</sup> These OOE customers receive fixed wireless broadband service with advertised speeds of at least 3 Mbps downstream and 768 kbps upstream. In general, where its fixed wireless coverage is available, OOE can make broadband service available to end users within these Census blocks within a brief period without an extraordinary commitment of resources.<sup>7</sup> Customers in these areas, therefore, have “actual access to broadband service”<sup>8</sup> based on predicted fixed wireless service areas, which in turn are determined based on the underlying technical criteria for the wireless installations at issue. Accordingly, to the extent that CenturyLink seeks a determination that any or all such areas should be deemed “unserved” or “partially served” with broadband services for purposes of CAF funding, the Bureau should reject this request.

### **Conclusion**

As set forth herein, OOE’s fixed wireless broadband coverage area includes the 163 Census blocks identified in Attachment A – blocks that CenturyLink has identified as ones that should be deemed eligible for CAF subsidies but in which OOE fixed wireless broadband services are available. OOE renews its request that the Bureau update its

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<sup>6</sup> The Commission has stated that for CAF Phase I and Phase II, the minimum broadband speed benchmark will be 4 Mbps downstream and 1 Mbps upstream, with sufficiently low latency to enable use of real-time applications such as Voice over Internet Protocol and with usage limits (if any) to be “reasonably comparable to usage limits for comparable broadband offerings in urban areas.” *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; and Universal Service Reform – Mobility Fund*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (“*USF/ICC Transformation Order*”) at ¶¶90-100.

<sup>7</sup> See *State Broadband Data and Development Grant Program*, 74 Fed. Reg. 32545, 32548 (defining broadband service as “available” to an end user address for purposes of the Recovery Act and the National Broadband Map if “a broadband service provider does, or could, within a typical service interval (7 to 10 business days) without an extraordinary commitment of resources, provision two-way data transmission to and from the Internet with advertised speeds of at least 768 kilobits per second (kbps) downstream and at least 200 kbps upstream to the end user at the address.”).

<sup>8</sup> CenturyLink Comments at 7.

dataset with the new Washington state data prior to making decisions on CAF Phase I eligibility or funding. Thereafter, any funding decisions should account for the availability of OOE's broadband services in the identified Census blocks.

Respectfully submitted,

January 24, 2013

**Marlon K. Schafer dba  
Odessa Office Equipment**

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Attachment A  
List of 163 Census Blocks

<b>Number</b>	<b>2010 Census Block ID</b>		
1	530019501001017	42	530019502003004
2	530019501001096	43	530019502003006
3	530019501001097	44	530019502003008
4	530019501001099	45	530019502003010
5	530019501001114	46	530019502003013
6	530019501001115	47	530019502003015
7	530019501001118	48	530019502003028
8	530019501001122	49	530019502003059
9	530019501001123	50	530019502003066
10	530019501001125	51	530019502003071
11	530019501001135	52	530019502003075
12	530019501001141	53	530019502003076
13	530019501001143	54	530019502003077
14	530019501001152	55	530019502003078
15	530019501001162	56	530019502003079
16	530019501001182	57	530019502003082
17	530019501001267	58	530019502003085
18	530019501001285	59	530019502003101
19	530019501001288	60	530019502003102
20	530019501001289	61	530019502003104
21	530019501001292	62	530019502003106
22	530019501001295	63	530019502003107
23	530019501001300	64	530019502003109
24	530019501001323	65	530019502003129
25	530019501001338	66	530019503002018
26	530019501001339	67	530019503003019
27	530019501001347	68	530019503003022
28	530019501002094	69	530019503003024
29	530019502002000	70	530019503003029
30	530019502002001	71	530199400001483
31	530019502002003	72	530250101001226
32	530019502002005	73	530250101002063
33	530019502002006	74	530250102001080
34	530019502002012	75	530250102001182
35	530019502002013	76	530250102001183
36	530019502002101	77	530250102001184
37	530019502002110	78	530250102001185
38	530019502002115	79	530250102001186
39	530019502002117	80	530250102001208
40	530019502002126	81	530250102001232
41	530019502002128	82	530250102001235
		83	530250102001236

Attachment A  
List of 163 Census Blocks

84	530250102001239	127	530439602002197
85	530250102001241	128	530439602002218
86	530250102001247	129	530439602002238
87	530250107001015	130	530439602002248
88	530250113001006	131	530439602002264
89	530250113001007	132	530439602002283
90	530250113001008	133	530439602002287
91	530250113001009	134	530439602002313
92	530250113001014	135	530439603001022
93	530250113001017	136	530439603001032
94	530250113001026	137	530439603001094
95	530250113001120	138	530439603001230
96	530250113001135	139	530439604001128
97	530250113002100	140	530439604001156
98	530250114011011	141	530439604001160
99	530250114011020	142	530439604001161
100	530250114011021	143	530439604001162
101	530250114011033	144	530439604001174
102	530250114011038	145	530439604001265
103	530250114011039	146	530439604001271
104	530250114011040	147	530439604001272
105	530250114011048	148	530439604001275
106	530250114011082	149	530439604001277
107	530250114022000	150	530439604001284
108	530250114022006	151	530439604001293
109	530250114022008	152	530439604001296
110	530250114022012	153	530439604001301
111	530250114022013	154	530439604003171
112	530250114024002	155	530439604003187
113	530250114024011	156	530439604003204
114	530250114024013	157	530439604003209
115	530250114024014	158	530439604003212
116	530250114024029	159	530439604003217
117	530439602001297	160	530439604003219
118	530439602002030	161	530439604003235
119	530439602002043	162	530439604003236
120	530439602002073	163	530439604003239
121	530439602002080		
122	530439602002096		
123	530439602002097		
124	530439602002128		
125	530439602002174		
126	530439602002189		

**Declaration of Marlon Schafer**

I, Marlon Schafer hereby declare under penalty of perjury as follows:

This Declaration is submitted in support of my company's Reply Comments in response to the Public Notices issued in this proceeding, which seek comment on a list of "potentially unserved" census blocks in price cap areas for purposes of Connect America Fund Phase I incremental support. I have read the Reply Comments; all facts set forth therein which are not already subject to official notice are true and correct to the best of my knowledge and belief.

Executed on January 24, 2013



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Marlon Schafer

## **CERTIFICATE OF SERVICE**

I, Jonathan Allen, an attorney with Rini O'Neil, PC, hereby certify that I have caused copies of the foregoing "Reply Comments of Marlon K. Schafer dba Odessa Office Equipment" to be sent by email this 24th day of January, 2013, to:

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